

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

March 26, 2003

SUBJECT:

Detailed Application CPD2003-0004U for
Comprehensive Planned Development
CPD1999-0004, Falls Grove

Applicant: Krispy Kreme Doughnut Corp
PO Box 83
Winston-Salem, NC 27102

Owner: Falls Grove Retail Group
c/o Lerner Enterprises
11501 Huff Court
North Bethesda, MD 20895

Date Filed: February 5, 2003

Location: A portion of Falls Grove
adjacent to Shady Grove Road,
located on a pad site
within the approved Village
Center.



REQUEST:

The applicant seeks detailed (final) approval for a 4,502 square-foot, freestanding Krispy Kreme doughnut shop. The application is located on a pad site within the Falls Grove Village Center that was previously approved for a 7,000 square-foot building footprint. This application is adjacent to the corner of Shady Grove Road and Falls Grove Boulevard. The Krispy Kreme facility will include a drive-through lane adjacent to the Shady Grove Road and Falls Grove Boulevard frontages.

PREVIOUS RELATED ACTIONS:

- CPD99-0004, Concept Plan Application for Comprehensive Planned Development approved by the Mayor and Council, February 22, 2000.
- CDP2000-0004A through CPD2001-0004T, Detailed Applications for Comprehensive Planned Development CPD99-0004. All approved by the Planning Commission, except CPD2001-0004Q.

RELEVANT ISSUES

In reviewing the application, the following issues emerged and have been addressed:

- That the drive-through and service court area, which are in the same general vicinity, have a clear delineation from each other. The applicant has addressed this issue by providing curbing and different surface treatments for the drive-through lane.
- That the architectural treatments of the building are consistent with the approved Village Center architecture.
- The Mayor and Council, as well as staff, has asked the applicant to provide an additional handicap parking space on the Krispy Kreme site.

ANALYSIS

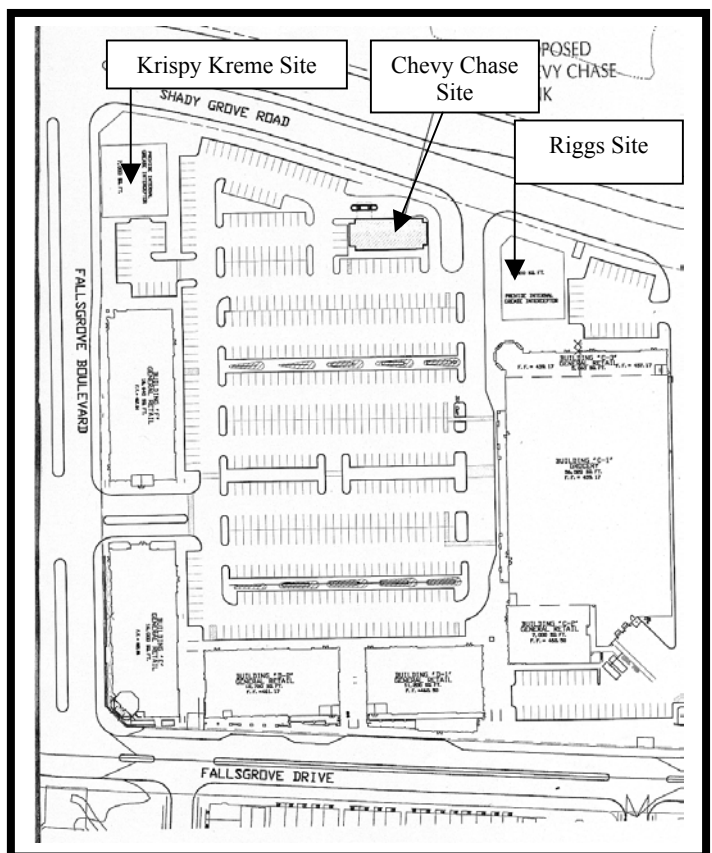
Background

On February 22, 2000, the Mayor and Council approved CPD99-0004, authorizing development on the former Thomas Farm site, now known as Fallsgrove. The approval authorized a total of 1,530 dwelling units, 150,000 square feet of commercial retail and 950,000 square feet of office/research and development space. A Comprehensive Planned Development is implemented through the approval of individual detailed applications for all or part of a development as required in Section 25-656 of the Zoning Ordinance. This application is part of a series of detailed applications.

There have been a total of 1,411 units approved through the residential series of Detailed Applications for Fallsgrove. The Concept Plan allowed 1,530 residential units to be constructed.

On October 25, 2000, the Planning Commission approved CPD2000-0004F, which approved the Village Center of Fallsgrove. That application included a 56,520 square-foot food store, 69,420 square feet of retail space, 21,000 square feet of pad sites, a 75,000 square-foot office building and a 196-space parking garage.

As part of the approval for the Village Center, a condition of approval required by the Planning Commission was that any development on the three pad sites must obtain a Detailed Application approval from the Planning Commission. This application is the last of the three approved pad sites that comprise the 21,000 square feet. Each pad site shown on the Detailed Application showed a



maximum footprint area of 7,000 square feet. The first application approved was a Chevy Chase bank facility with a footprint of 3,100 square-feet. The second application approved was a Riggs Bank with a 3,650 square foot building footprint. This application represents the final retail component of the Fallsgrove Village Center. As a result, the total amount of retail within the Village Center will be 137,172 square feet.

Property Description

Fallsgrove consists of approximately 254 acres bounded by Shady Grove Road, Darnestown Road, West Montgomery Avenue and Research Boulevard. The topography is rolling on a majority of the site including an upland forest area near the intersection of Gude Drive and West Montgomery Avenue.

The development site is located adjacent to Shady Grove Road, across from the Shady Grove Life Sciences Center. The major portion of the site, in particular the grocery store, is turned perpendicular to Shady Grove Road, creating frontage on Fallsgrove Boulevard, giving the center a neighborhood orientation. Further, all of the retail buildings are of a four-sided configuration, giving them a connection to the streetscape as well as to Fallsgrove Boulevard, the main entry of the development from Shady Grove Road. The site does not completely orient itself to Shady Grove as a typical regional shopping center might do. The multi-modal transit center, a unique feature of this development, is fronting on the main residential street of Fallsgrove called Fallsgrove Drive.

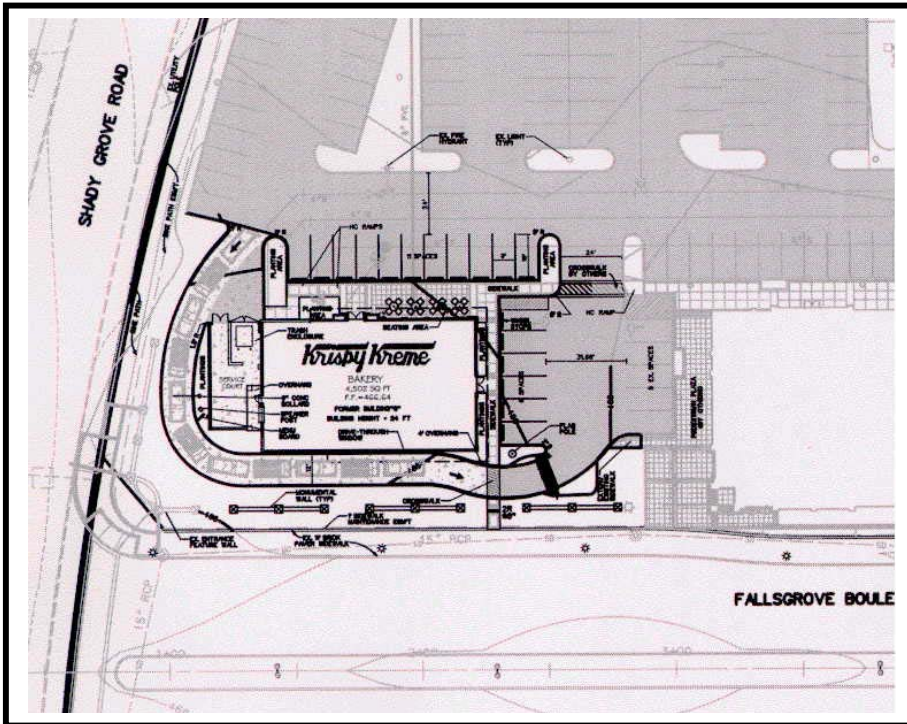
Accessibility and pedestrian open space is another feature of this center. The entire site will be interconnected with pedestrian paths, with various courtyard open spaces at key locations of the site, such as adjacent to the multi-modal transit facility on Fallsgrove Drive. Further, an on street bike path will be adjacent to the site on Fallsgrove Boulevard that will connect to the community center and Millennium Trail.

Proposal

The applicant requests detailed application approval for a 4,502 square-foot Krispy Kreme doughnut shop located adjacent to the corner of Shady Grove Road and Fallsgrove Boulevard. Ingress and egress to this site will be from the interior of the Village Center, and all site access will be as currently approved through CPD2000-0004F. Pedestrians from the Village Center will have access to the site from an adjacent pedestrian plaza.

The drive-through for the facility will be located along the perimeter of this site, adjacent to Shady Grove Road and Fallsgrove Boulevard. Entrance to the drive-through will be from the interior of the Village Center site on the Shady Grove Road side. Within this general vicinity of the drive-through entrance is the service court area. While architecturally treated to blend with the building, the entrance to the service court area originally seemed to conflict with the drive through. Staff has asked for a clearer delineation of the service area and the drive-through entrance. The applicant has added curbing and indicated that the drive-through lane will be of a different surface treatment than the service court area. In addition, the applicant has indicated that trucks will not be accessing the service court area during the time that patrons will be using the drive-through.

The overall structure will have four-sided architecture that will relate to the balance of the Village Center site. There will also be a full service drive-through located adjacent to the Shady Grove Road and Fallsgrove Boulevard frontages, with access provided from the interior of the site. Landscaping has been provided to screen the drive-throughs from the road frontages. Assisting the screening effort is the monumental entry feature of Fallsgrove located on the corner of Shady Grove Road and Fallsgrove Boulevard.



As part of their operation, Krispy Kreme will have two small trucks load doughnuts in the morning in order to take them to other locations. The applicant has informed us that the trucks will be limited to specific times and may load only once. In addition, the trucks will not be stored at the Fallsgrove Village Center.

STAFF RECOMMENDATION:

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A.
2. Post bonds and obtain permits from DPW for sediment control as necessary or required by DPW.
3. Submission for the approval of the Chief of Planning, of 11 copies of a Landscape Plan that is revised according to Planning Commission Exhibit B.
4. Submission of an applicant-signed copy of the Detailed Application approval letter.
5. Trucks for picking up doughnuts shall be limited to 21-foot trucks or smaller, that may only pick up one time as an ancillary function of the doughnut shop. The number of trucks shall be limited to a maximum of three.
6. There shall be no storage of trucks at the Fallsgrove Village Center.

7. All internal traffic control devices, i.e., signs, markings or other devices, placed on the property to warn, regulate or guide pedestrians and/or vehicular traffic shall comply with the latest edition of the MUTCD.

TRANSPORTATION

Traffic

A traffic study was done as part of the Concept Plan approval, and this application is in compliance with the approved Concept Plan. Mitigation of the traffic impacts were required as part of the Concept Plan. Mitigation measures include the construction of improvements to 12 intersections, construction of a transit center, payment of \$1.6 million for Transportation Demand Management (TDM) measures, and construction of on-site roads.

The Applicant has provided a bond in the amount of \$2.2 million for required off-site traffic improvements, as per the requirements of the Concept Plan. It should be noted that the Resolution of Approval requires that all Phase I off-site road improvements, as outlined within the Resolution on page 26, must be completed within three years of the issuance of the first grading permit. In addition, Falls Grove Associates has begun the permitting and design process for all off-site road improvements, with construction commencing or finished on a number of projects.

On-site infrastructure is underway, and it is anticipated that the bridge that will connect Falls Grove Drive near the Village Center to the portion of Falls Grove Drive that will connect to West Montgomery Avenue and Gude Drive will be completed soon, weather permitting. The completion of this bridge will allow traffic from the Village Center to access Blackwell Drive and West Montgomery Avenue.

Parking

All of the uses on the Village Center site, calculated separately, require 1,086 parking spaces. Through the flexibility of the Concept Plan, the Zoning Ordinance, and a plan for off-peak uses, the Village Center Detailed Application had 861 total parking spaces approved. This does not include on-street parking on Falls Grove Drive and Falls Grove Boulevard.

The parking garage associated with the Village Center will be connected to the office building, but will provide parking to the retail portion of the site via the interconnectedness of the Village Center. Parking in the parking garage will be available for retail patrons, via the pedestrian system.

It should be noted that the Applicant presented the possibility of the pad sites accommodating restaurants during discussion of the Village Center. The parking numbers approved for the Village Center assumed the 21,000 square feet of pad sites would have approximately 50% patron area for restaurant parking calculations. The parking for this pad site is calculated at a retail level, allowing for the accommodation of restaurants in other sections of the Village Center.

Transit

The Concept Plan shows a multi-modal transit stop as part of the retail center. The development will provide easy access via walking or biking to on-site amenities, the amenities and transit facilities associated with the retail center, and overall community facilities located within Fallsgrove. It is anticipated that the multi-modal transit center will be operational in the spring of 2003, with full transit services being provided by fall of 2003. Construction of the multi-modal center is nearly complete and build-out of the office interior will be finished soon.

Architecture

The applicant, Krispy Kreme, has standard design elements for their buildings. In this case, the design palette of the Village Center has been incorporated into the design, while also incorporating some of the typical design features of Krispy Kreme. The result has been a building that is not overbearing and relates well to the balance of the Village Center.



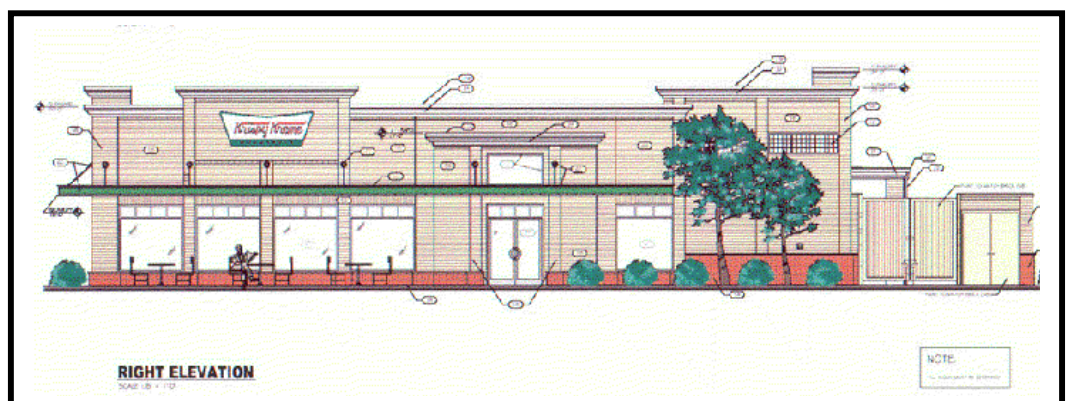
Some of the design elements of the building include a standing-seam metal roof and a significant brick palette that are the same colors as the variety of bricks provided to the Village Center.

STORMWATER MANAGEMENT

Stormwater management for the entire Village Center was approved as part of Detailed Application CPD2000-0004F.

LANDSCAPING

A landscape plan for the site has been provided as Planning Commission Exhibit "B." There is a significant amount of landscaping approved as part of the Village Center, and the Applicant is augmenting the plan slightly to accommodate more landscaping that is specific to this application.



This includes the screening of vehicle drives near the drive-through lanes.

Forest/Tree Preservation

See condition number five (3).

Equipment Screening

All transformers or telecommunications equipment are required by the City of Rockville to be placed underground. Any equipment that the applicant proposes to place above ground must be approved in accordance with the submission and approval of a waiver of the city's underground utility requirements. This waiver must be approved by the City of Rockville Planning Commission.

The Applicant has indicated that all equipment locations are shown on the plans and will be underground or integrated within buildings. Also, there will be no overhead utility line connections. In addition, there will be no air conditioning condenser units located on the ground, nor are there any dumpsters associated with this application.

MAYOR AND COUNCIL COMMENTS ON FALLSGROVE VILLAGE CENTER

On March 10, 2003, the Mayor and Council reviewed the proposal through a presentation by the Applicant. The approved Concept Plan provides that the Mayor and Council shall retain the authority to review schematic design features such as building design and locations for nonresidential buildings. The Mayor and Council's comments were generally positive, but they did suggest some issues for the applicant to address prior to the Planning Commission's review. The comments are:

- Incorporate a handicap space in the front of the building
- Address details of the pedestrian crossing that is shown from Falls Grove Boulevard across the drive-through lane. Such details include proper landscaping trees that don't block visibility and raised surface treatments, as approved at other pad sites within the Village Center.
- Ensure adequate landscaping to screen drive-through area.

The applicant indicated that they amended the site plan to incorporate another handicap space in a convenient location. With respect to the pedestrian crossing at the drive-through, the applicant stated that there would be a marked, slightly raised stamped asphalt surface treatment, as was approved within other areas of the Village Center. The applicant has also stated that they would ensure that the landscaping would not produce any visual impediment to cars and pedestrians.

The issue of the drive-through screening is addressed through site landscaping, the monumental entry walls on the corner of Falls Grove Boulevard and Shady Grove Road, and the perimeter landscape plan along Shady Grove Road.

PUBLIC ART IN PRIVATE DEVELOPMENTS

The applicant has responded to the provision of art in public places by stating that the Fallsgrove development group has provided a significant amount of money, as per the Concept Plan, for the provision of art for the whole community. Lerner Enterprises, the owner of the center in which this site is located, is one of the development partners that has contributed to art within the Fallsgrove community. The applicant points to the recently approved art for the Village Green near the Village Center of Fallsgrove as representative of the contribution.

STAFF COMMENTS

This application is consistent with the approved Concept Plan and the approved Village Center plan, and staff recommends approval subject to the conditions listed earlier. Staff believes the layout of the site is functional and convenient, with particular attention given to four-sided architecture.

Staff also believes the density and scale of the project is appropriate given the design of the Village Center. Staff also believes that landscaping has been adequately addressed to mitigate visual impact of the drive-through facility.

Staff endorses this application as meeting the full intent of the multi-family component of the approved Concept Plan and the accompanying resolution, as well as the conditions of approval of CPD2003-0004U.

NOTIFICATION

Notices were sent to approximately 750 residences, businesses and association presidents. Some of the subdivisions include, but were not limited to, Glenora Hills, Rockshire, the Willows, Carter Hill, Watts Branch Meadows, Cambridge Heights, Ivy Woods and Flintledge Estates.

APPROVAL LIMITATIONS

Section 25-193(d) of the Zoning Ordinance requires that **construction or operation must commence within two (2) years of the date of this decision or application approval shall expire.** If the applicant can show just cause, a maximum of two (2) time extensions may be granted by the Planning Commission, each not to exceed one year. However, time extensions are not automatically approved, and sufficient detail and justification will be required in order for the Planning Commission to consider granting an extension.

CONCLUSION

Staff believes that this application is consistent with the approved Concept Plan approved by the Mayor and Council for this area of Fallsgrove. As a result, staff recommends approval of Detailed Application CPD2003-0004U for a 4,502 square-foot Krispy Kreme with one drive-through lane, with the conditions on page 4.

Attachments